

# **JOURNAL OF THE HOUSE**

## **EIGHTY-NINTH SESSION**

---

THIRTY-THIRD DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Monday, March 10, 2014

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Fred MacDonald, followed by the Pledge of Allegiance led by House pages Heidi Becker, Joshua Holsing, and Ashley Sorensen.

Roll Call: All members present.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the thirty-second day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Brian G. Gosch, Chair

Which motion prevailed.

1 The oath of office was administered by Speaker Gosch to the following named pages:

2 Heidi Becker, Taylor Bergeson, Foster Berry, Ajok Deng, Gregory Hauer, Joshua Holsing,  
3 Tanner Iwerks, Heidi Ringling, Bryce Roberts, Camille Sippel, Ashley Sorensen, Dustin Wahl,  
4 Mason Wenzel.

5 Which was subscribed to and placed on file in the office of the Secretary of State.

6 **COMMUNICATIONS AND PETITIONS**

7 March 6, 2014

8 Mr. Speaker and Members of the House of Representatives:

9 I have the honor to inform you that on March 6, 2014, I approved House Bills 1012, 1014, 1015,  
10 1028, 1029, 1042, 1051, 1061, 1079, 1090, 1108, and 1157, and the same have been deposited  
11 in the office of the Secretary of State.

12 Respectfully submitted,  
13 Dennis Daugaard  
14 Governor

15 March 10, 2014

16 Mr. Speaker and Members of the House of Representatives:

17 I have the honor to inform you that on March 10, 2014, I approved House Bills 1043, 1073,  
18 1091, 1119, 1125, 1126, 1151, 1152, 1156, 1178, 1181, 1198, and 1200, and the same have  
19 been deposited in the office of the Secretary of State.

20 Respectfully submitted,  
21 Dennis Daugaard  
22 Governor

23 **REPORTS OF STANDING COMMITTEES**

24 MR. SPEAKER:

25 The Committee on State Affairs respectfully reports that it has had under consideration  
26 SB 107 and returns the same with the recommendation that said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on State Affairs respectfully reports that it has had under consideration  
3 SB 108 and returns the same with the recommendation that said bill be amended as follows:

4 108jb

5 On the printed bill, delete everything after the enacting clause and insert:

6 " Section 1. That chapter 2-6 be amended by adding thereto a NEW SECTION to read as  
7 follows:

8 There is hereby created the Autism Spectrum Disorder (ASD) workgroup to study the  
9 impact of autism spectrum disorder on children in this state and to make recommendations to  
10 the Legislature on policies to effectively address the issue. The task force shall consist of the  
11 following fifteen members:

12 (1) The president pro tempore of the Senate shall appoint three members of the Senate;

13 (2) The speaker of the House of Representatives shall appoint three members of the  
14 House of Representatives;

15 (3) The president pro tempore of the Senate shall appoint the following two members:

16 (a) A certified medical professional with experience diagnosing and treating  
17 autism spectrum disorder; and

18 (b) A representative from an insurance company that does not provide coverage  
19 of the treatment of autism spectrum disorder and applied behavioral analysis;

20 (4) The speaker of the House of Representatives shall appoint the following three  
21 members:

22 (a) A representative of an insurance company that provides coverage of the  
23 treatment of autism spectrum disorder, including applied behavioral analysis;  
24 and

25 (b) Two persons with, or who have a child with, autism spectrum disorder;

26 (5) A representative from the Department of Education with knowledge of the services  
27 available in K-12 for students with autism spectrum disorder;

28 (6) A representative from the Department of Social Services;

29 (7) A representative from the Department of Human Services; and

30 (8) A representative from the Department of Labor and Regulation, Division of  
31 Insurance.

Section 2. That chapter 2-6 be amended by adding thereto a NEW SECTION to read as follows:

The initial appointments shall be made no later than July 1, 2014, and shall serve until January 1, 2015, which shall be the end date for the workgroup. If there is a vacancy on the workgroup, the vacancy shall be filled in the same manner as the original appointment.

Section 3. That chapter 2-6 be amended by adding thereto a NEW SECTION to read as follows:

The workgroup shall study the current status of insurance coverage, services, provider licensing and certification requirements, and assistance available for individuals with autism spectrum disorder in the state and make a report to the Executive Board of then Legislature. The report shall include available options that the state could pursue to ensure that individuals with autism spectrum disorder are able to access appropriate resources to live successful and independent lives including the anticipated costs, savings, and benefits to the state, the public, and individuals with autism spectrum disorder.

Section 4. The ASD workgroup shall be under the supervision of the Executive Board of the Legislative Research Council and staffed and funded as an interim legislative committee, not to exceed twenty-one thousand dollars."

108jtb

On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "establish the Autism Spectrum Disorder workgroup to study the impact of autism spectrum disorder on children in this state and to make recommendations to the Legislature on policies to effectively address the issue."

And that as so amended said bill do pass.

Also MR. SPEAKER:

The Committee on State Affairs respectfully reports that it has had under consideration SB 168 and returns the same with the recommendation that said bill be amended as follows:

168sa

On the printed bill, delete everything after the enacting clause and insert:

" Section 1. That chapter 1-16G be amended by adding thereto a NEW SECTION to read as follows:

Each person hired as an employee at the Governor's Office of Economic Development, whose primary duties include access to financial account numbers of financial assistance applicants or who have the authority to authorize grants, loans, or other financial assistance shall

1 submit to a criminal background investigation, by means of fingerprint checks by the Division  
2 of Criminal Investigation and the Federal Bureau of Investigation. The Governor's Office of  
3 Economic Development shall submit completed fingerprint cards to the Division of Criminal  
4 Investigation before the prospective new employee enters into service. If no disqualifying record  
5 is identified at the state level, the fingerprints shall be forwarded by the Division of Criminal  
6 Investigation to the Federal Bureau of Investigation for a national criminal history record check.  
7 Any person whose employment is subject to the requirements of this section may enter into  
8 service on a temporary basis pending receipt of results of the criminal background investigation.  
9 The Governor's Office of Economic Development may, without liability, withdraw its offer of  
10 employment or terminate the temporary employment without notice if the report reveals a  
11 disqualifying record. Any person whose employment is subject to the requirements of this  
12 section shall pay any fees charged for the criminal record check. For the purposes of this section,  
13 the term, employee, includes the commissioner and deputy commissioner. The term, employee,  
14 does not include members of any boards or authorities for which the Governor's Office of  
15 Economic Development provides administrative support."

16 168sta

17 On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "authorize  
18 criminal background checks for certain officers and employees of the Governor's Office of  
19 Economic Development."

20 On page 1, delete line 2.

21 And that as so amended said bill do pass.

22 Respectfully submitted,  
23 David Lust, Chair

24 **MOTIONS AND RESOLUTIONS**

25 Rep. Johns moved that the House do concur in Senate amendments to HB 1087.

26 The question being on Rep. Johns' motion that the House do concur in Senate amendments  
27 to HB 1087.

28 And the roll being called:

29 Yeas 69, Nays 1, Excused 0, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;  
3 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar  
4 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
5 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;  
6 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
7 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenfish;  
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
9 Wick; Wink; Wismer; Speaker Gosch

10 Nays:

11 Russell

12 So the motion having received an affirmative vote of a majority of the members-elect, the  
13 Speaker declared the motion carried and the amendments were concurred in.

14 Rep. Gibson moved that the House do concur in Senate amendments to HB 1100.

15 The question being on Rep. Gibson's motion that the House do concur in Senate  
16 amendments to HB 1100.

17 And the roll being called:

18 Yeas 64, Nays 6, Excused 0, Absent 0

19 Yeas:

20 Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
21 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);  
22 Hajek; Hawks; Hawley; Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer;  
23 Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; Mickelson; Munsterman; Nelson;  
24 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen;  
25 Romkema; Rounds; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele;  
26 Stevens; Tulson; Tyler; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

27 Nays:

28 Anderson; Heinemann (Leslie); May; Ring; Rozum; Verchio

29 So the motion having received an affirmative vote of a majority of the members-elect, the  
30 Speaker declared the motion carried and the amendments were concurred in.

31 Rep. Romkema moved that the House do concur in Senate amendments to HB 1113.

32 The question being on Rep. Romkema's motion that the House do concur in Senate  
33 amendments to HB 1113.

34 And the roll being called:

1 Yeas 70, Nays 0, Excused 0, Absent 0

2 Yeas:

3 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;  
4 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar  
5 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
6 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;  
7 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
8 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
9 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
10 Wick; Wink; Wismer; Speaker Gosch

11 So the motion having received an affirmative vote of a two-thirds majority of the members-  
12 elect, the Speaker declared the motion carried and the amendments were concurred in.

13 Rep. Lust moved that when we adjourn today, we adjourn to convene at 10:00 a.m. on  
14 Tuesday, March 11, the 34<sup>th</sup> legislative day.

15 Which motion prevailed.

16 **CONSIDERATION OF REPORTS OF COMMITTEES**

17 Rep. Lust moved that the reports of the Standing Committees on  
18 Health and Human Services on SB 172 as found on page 664 of the House Journal; also  
19 Appropriations on SB 137 as found on page 664 of the House Journal be adopted.

20 Which motion prevailed.

21 **SECOND READING OF CONSENT CALENDAR ITEMS**

22 SB 99: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding self-  
23 funded multiple employer trusts.

24 Was read the second time.

25 The question being "Shall SB 99 pass as amended?"

26 And the roll being called:

27 Yeas 69, Nays 1, Excused 0, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;  
3 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar  
4 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
5 (Bernie); Johns; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson;  
6 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;  
7 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
9 Wick; Wink; Wismer; Speaker Gosch

10 Nays:

11 Kaiser

12 So the bill having received an affirmative vote of a majority of the members-elect, the  
13 Speaker declared the bill passed and the title was agreed to.

14 SB 36: FOR AN ACT ENTITLED, An Act to transfer the functions of the South Dakota  
15 Railroad Authority to the South Dakota Railroad Board.

16 Was read the second time.

17 The question being "Shall SB 36 pass as amended?"

18 And the roll being called:

19 Yeas 69, Nays 1, Excused 0, Absent 0

20 Yeas:

21 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;  
22 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar  
23 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
24 (Bernie); Johns; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson;  
25 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;  
26 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
27 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
28 Wick; Wink; Wismer; Speaker Gosch

29 Nays:

30 Kaiser

31 So the bill having received an affirmative vote of a majority of the members-elect, the  
32 Speaker declared the bill passed and the title was agreed to.



1                   **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

2           SB 118: FOR AN ACT ENTITLED, An Act to revise certain criminal penalties for  
3 intentional damage to private property.

4           Was read the second time.

5           The question being "Shall SB 118 pass?"

6           And the roll being called:

7           Yeas 65, Nays 5, Excused 0, Absent 0

8           Yeas:

9 Anderson; Bartling; Bolin; Cammack; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
10 Ecklund; Erickson; Feickert; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hawks;  
11 Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser;  
12 Killer; Kirschman; Kopp; Langer; Lust; Magstadt; May; Mickelson; Munsterman; Nelson;  
13 Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring;  
14 Romkema; Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele;  
15 Stevens; Tulson; Tyler; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

16          Nays:

17 Campbell; Greenfield; Latterell; Russell; Verchio

18          So the bill having received an affirmative vote of a majority of the members-elect, the  
19 Speaker declared the bill passed and the title was agreed to.

20          SB 180: FOR AN ACT ENTITLED, An Act to authorize the increase in the number of  
21 video lottery machines that may be placed in a licensed establishment under certain conditions.

22          Was read the second time.

23          Rep. Lust moved the previous question.

24          Which motion prevailed.

25          The question being "Shall SB 180 pass as amended?"

26          And the roll being called:

27          Yeas 26, Nays 44, Excused 0, Absent 0

1 Yeas:

2 Anderson; Bartling; Carson; Cronin; Dryden; Feinstein; Hajek; Hawley; Hunhoff (Bernie);  
3 Johns; Killer; Kirschman; Lust; Mickelson; Parsley; Peterson; Romkema; Rounds; Rozum;  
4 Schoenfish; Soli; Solum; Werner; Westra; Wink; Wismer

5 Nays:

6 Bolin; Cammack; Campbell; Conzet; Craig; Duvall; Ecklund; Erickson; Feickert; Gibson;  
7 Greenfield; Haggar (Don); Haggar (Jenna); Hawks; Heinemann (Leslie); Heinert; Hickey;  
8 Hoffman; Kaiser; Kopp; Langer; Latterell; Magstadt; May; Munsterman; Nelson; Novstrup  
9 (David); Olson (Betty); Otten (Herman); Qualm; Rasmussen; Ring; Russell; Schaefer;  
10 Schrempp; Sly; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Wick; Speaker Gosch

11 So the bill not having received an affirmative vote of a majority of the members-elect, the  
12 Speaker declared the bill lost.

13 SB 1: FOR AN ACT ENTITLED, An Act to provide for the selection of the chair and vice  
14 chair of the Executive Board of the Legislative Research Council, to revise the membership of  
15 the Executive Board, to provide for the term of each constituted Executive Board, and to  
16 provide for continuity of board membership.

17 Was read the second time.

18 1ya

19 Rep. Latterell moved that SB 1 be amended as follows:

20 On page 2, line 3, of the House State Affairs Committee engrossed bill, delete "~~six~~ four"  
21 and insert "six".

22 On page 2, line 3, delete "~~seven~~ five" and insert "seven".

23 On page 2, line 6, delete ", majority leader, and minority".

24 On page 2, line 7, delete "leader".

25 On page 2, line 7, delete ", majority leader, and minority leader".

26 On page 2, delete line 18, and insert "Section 3. This Act is effective on January 1, 2015.".

27 Rep. Latterell called for a division of the House.

28 The Speaker declared Rep. Latterell's motion lost.

1 The question being "Shall SB 1 pass as amended?"

2 And the roll being called:

3 Yeas 56, Nays 14, Excused 0, Absent 0

4 Yeas:

5 Anderson; Bartling; Bolin; Cammack; Carson; Conzet; Cronin; Dryden; Duvall; Ecklund;  
6 Erickson; Feickert; Gibson; Haggar (Don); Hajek; Hawks; Hawley; Heinemann (Leslie);  
7 Heinert; Hickey; Hunhoff (Bernie); Johns; Killer; Kirschman; Kopp; Langer; Lust; Magstadt;  
8 Mickelson; Munsterman; Novstrup (David); Otten (Herman); Parsley; Peterson; Qualm;  
9 Rasmussen; Romkema; Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum;  
10 Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wink; Wismer; Speaker  
11 Gosch

12 Nays:

13 Campbell; Craig; Feinstein; Greenfield; Haggar (Jenna); Hoffman; Kaiser; Latterell; May;  
14 Nelson; Olson (Betty); Ring; Russell; Wick

15 So the bill having received an affirmative vote of a majority of the members-elect, the  
16 Speaker declared the bill passed and the title was agreed to.

17 Rep. Lust moved that SB 158 and 44 be deferred to Tuesday, March 11, the 34<sup>th</sup> legislative  
18 day.

19 Which motion prevailed.

20 SB 23: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to  
21 deceptive trade practices, including unordered property or services, lodging reservation and  
22 cancellation, violation penalties, attorney's fees, entry rights for landlords and tenants, debit card  
23 theft, and organized retail crime.

24 Was read the second time.

25 The question being "Shall SB 23 pass as amended?"

26 And the roll being called:

27 Yeas 69, Nays 1, Excused 0, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;  
3 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar  
4 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
5 (Bernie); Johns; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson;  
6 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;  
7 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
9 Wick; Wink; Wismer; Speaker Gosch

10 Nays:

11 Kaiser

12 So the bill having received an affirmative vote of a majority of the members-elect, the  
13 Speaker declared the bill passed and the title was agreed to.

14 SB 25: FOR AN ACT ENTITLED, An Act to establish the procedure to forfeit personal  
15 property in child pornography, human trafficking, child solicitation or exploitation cases, and  
16 to direct money from the forfeitures.

17 Was read the second time.

18 The question being "Shall SB 25 pass as amended?"

19 And the roll being called:

20 Yeas 70, Nays 0, Excused 0, Absent 0

21 Yeas:

22 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;  
23 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar  
24 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
25 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;  
26 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
27 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
28 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
29 Wick; Wink; Wismer; Speaker Gosch

30 So the bill having received an affirmative vote of a two-thirds majority of the members-  
31 elect, the Speaker declared the bill passed and the title was agreed to.

32 SB 181: FOR AN ACT ENTITLED, An Act to define vapor products as tobacco products  
33 for the purpose of regulating the use of the products by minors and to place certain restrictions  
34 on the sale of vapor products.

35 Was read the second time.

1 The question being "Shall SB 181 pass as amended?"

2 And the roll being called:

3 Yeas 60, Nays 10, Excused 0, Absent 0

4 Yeas:

5 Anderson; Bartling; Bolin; Cammack; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
6 Ecklund; Erickson; Feickert; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hawks;  
7 Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer;  
8 Kirschman; Kopp; Langer; Lust; Magstadt; Mickelson; Munsterman; Novstrup (David); Otten  
9 (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer;  
10 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Stevens; Tulson; Tyler; Werner; Westra;  
11 Wick; Wink; Wismer; Speaker Gosch

12 Nays:

13 Campbell; Greenfield; Kaiser; Latterell; May; Nelson; Olson (Betty); Russell; Steele; Verchio

14 So the bill having received an affirmative vote of a majority of the members-elect, the  
15 Speaker declared the bill passed and the title was agreed to.

16 SB 13: FOR AN ACT ENTITLED, An Act to make use of hand-held mobile telephones  
17 while driving a commercial motor vehicle a serious traffic violation and to update certain  
18 references to federal regulations regarding the issuance of commercial driver licenses.

19 Was read the second time.

20 The question being "Shall SB 13 pass?"

21 And the roll being called:

22 Yeas 57, Nays 13, Excused 0, Absent 0

23 Yeas:

24 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;  
25 Duvall; Erickson; Feickert; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hawks;  
26 Hawley; Heinemann (Leslie); Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman;  
27 Langer; Lust; Magstadt; Mickelson; Munsterman; Novstrup (David); Otten (Herman); Parsley;  
28 Peterson; Qualm; Rasmussen; Ring; Romkema; Rozum; Schaefer; Schoenfish; Sly; Soli;  
29 Solum; Stalzer; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer;  
30 Speaker Gosch

31 Nays:

32 Ecklund; Greenfield; Heinert; Kaiser; Kopp; Latterell; May; Nelson; Olson (Betty); Rounds;  
33 Russell; Schrempp; Steele

1 So the bill having received an affirmative vote of a majority of the members-elect, the  
2 Speaker declared the bill passed and the title was agreed to.

3 SB 176: FOR AN ACT ENTITLED, An Act to revise the ability of the secretary of the  
4 Department of Revenue to reduce or abate taxes.

5 Was read the second time.

6 The question being "Shall SB 176 pass as amended?"

7 And the roll being called:

8 Yeas 68, Nays 2, Excused 0, Absent 0

9 Yeas:

10 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;  
11 Duvall; Ecklund; Erickson; Feickert; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;  
12 Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns;  
13 Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson;  
14 Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson;  
15 Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
16 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
17 Wick; Wink; Speaker Gosch

18 Nays:

19 Feinstein; Wismer

20 So the bill having received an affirmative vote of a majority of the members-elect, the  
21 Speaker declared the bill passed and the title was agreed to.

22 Rep. Lust moved that SB 157 and 106 be deferred to Tuesday, March 11, the  
23 34<sup>th</sup> legislative day.

24 Which motion prevailed.

25 SB 85: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding  
26 confidential criminal justice information.

27 Was read the second time.

28 The question being "Shall SB 85 pass as amended?"

29 And the roll being called:

30 Yeas 70, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;  
3 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar  
4 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
5 (Bernie); Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May;  
6 Mickelson; Munsterman; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley;  
7 Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish;  
8 Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra;  
9 Wick; Wink; Wismer; Speaker Gosch

10 So the bill having received an affirmative vote of a majority of the members-elect, the  
11 Speaker declared the bill passed and the title was agreed to.

12 Rep. Lust moved that SB 177, 53, 28, and 94 be deferred to Tuesday, March 11, the  
13 34<sup>th</sup> legislative day.

14 Which motion prevailed.

15 SB 17: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase  
16 improved real property in the city of Brookings and to make an appropriation therefor.

17 Was read the second time.

18 The question being "Shall SB 17 pass?"

19 And the roll being called:

20 Yeas 63, Nays 7, Excused 0, Absent 0

21 Yeas:

22 Anderson; Bartling; Bolin; Cammack; Carson; Conzet; Craig; Cronin; Dryden; Duvall;  
23 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);  
24 Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);  
25 Johns; Kaiser; Killer; Kirschman; Langer; Latterell; Lust; Magstadt; Mickelson; Munsterman;  
26 Novstrup (David); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema;  
27 Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens;  
28 Tulson; Tyler; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

29 Nays:

30 Campbell; Kopp; May; Nelson; Olson (Betty); Russell; Verchio

31 So the bill having received an affirmative vote of a two-thirds majority of the members-  
32 elect, the Speaker declared the bill passed and the title was agreed to.

SB 16: FOR AN ACT ENTITLED, An Act to authorize the Board of Regents to purchase improved real property in Brookings County and to make an appropriation therefor.

Was read the second time.

The question being "Shall SB 16 pass?"

And the roll being called:

Yeas 65, Nays 5, Excused 0, Absent 0

Yeas:

Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Kaiser; Killer; Kirschman; Langer; Latterell; Lust; Magstadt; Mickelson; Munsterman; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

Nays:

Kopp; May; Nelson; Russell; Verchio

So the bill having received an affirmative vote of a two-thirds majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

Rep. Lust moved that SB 20, 141, 37, 38, 18, and 15 be deferred to Tuesday, March 11, the 34<sup>th</sup> legislative day.

Which motion prevailed.

There being no objection, the House reverted to Order of Business No. 5.

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on Judiciary respectfully reports that it has had under consideration SB 46 and 143 and returns the same with the recommendation that said bills do pass.



1 Also MR. SPEAKER:

2 The Committee on Judiciary respectfully reports that it has had under consideration SB 65  
3 and returns the same with the recommendation that said bill be amended as follows:

4 65ja

5 On page 4, line 2, of the printed bill, after "land" insert "other than a governmental entity".

6 And that as so amended said bill do pass.

7 Also MR. SPEAKER:

8 The Committee on Judiciary respectfully reports that it has had under consideration SB 90  
9 and returns the same with the recommendation that said bill be amended as follows:

10 90ja

11 On page 3, after line 2 of the Senate Appropriations Committee engrossed bill, insert:

12 " Section 2. That § 1-25-1 be amended to read as follows:

13 1-25-1. The official meetings of the state, its political subdivisions, and any public body of  
14 the state or its political subdivisions are open to the public unless a specific law is cited by the  
15 state, the political subdivision, or the public body to close the official meeting to the public. For  
16 the purposes of this section, a political subdivision or a public body of a political subdivision  
17 means any association, authority, board, commission, committee, council, task force, school  
18 district, county, city, town, township, or other agency of the state, which is created or appointed  
19 by statute, ordinance, or resolution and is vested with the authority to exercise any sovereign  
20 power derived from state law of the South Dakota High School Activities Association or its  
21 successors or assignees.

22 It is not an official meeting of one political subdivision or public body if its members  
23 provide information or attend the official meeting of another political subdivision or public body  
24 for which the notice requirements of § 1-25-1.1 have been met.

25 Any official meeting may be conducted by teleconference as defined in § 1-25-1.2. A  
26 teleconference may be used to conduct a hearing or take final disposition regarding an  
27 administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers  
28 present to the roll call conducted by teleconference for the purpose of determining a quorum.  
29 Each vote at an official meeting held by teleconference shall be taken by roll call.

30 If the state, a political subdivision, or a public body conducts an official meeting by  
31 teleconference, the state, the political subdivision, or public body shall provide one or more  
32 places at which the public may listen to and participate in the teleconference meeting. For any  
33 official meeting held by teleconference, which has less than a quorum of the members of the  
34 public body participating in the meeting who are present at the location open to the public,

1 arrangements shall be provided for the public to listen to the meeting via telephone or internet.  
2 The requirement to provide one or more places for the public to listen to the teleconference does  
3 not apply to an executive or closed meeting.

4 If a quorum of township supervisors, road district trustees, or trustees for a municipality of  
5 the third class meet solely for purposes of implementing previously publicly-adopted policy,  
6 carrying out ministerial functions of that township, district, or municipality, or undertaking a  
7 factual investigation of conditions related to public safety, the meeting is not subject to the  
8 provisions of this chapter.

9 A violation of this section is a Class 2 misdemeanor."

10 90jb

11 On page 3, after line 2 of the Senate Appropriations Committee engrossed bill, insert:

12 " Section 2. That § 1-27-1.1 be amended to read as follows:

13 1-27-1.1. Unless any other statute, ordinance, or rule expressly provides that particular  
14 information or records may not be made public, public records include all records and  
15 documents, regardless of physical form, of or belonging to this state, any county, municipality,  
16 political subdivision, or tax-supported district in this state, or any agency, branch, department,  
17 board, bureau, commission, council, subunit, or committee of any of the foregoing or the South  
18 Dakota High School Activities Association or its successors or assignees. Data which is a public  
19 record in its original form remains a public record when maintained in any other form. For the  
20 purposes of §§ 1-27-1 to 1-27-1.15, inclusive, a tax-supported district includes any business  
21 improvement district created pursuant to chapter 9-55."

22 90jc

23 On page 3, after line 2 of the Senate Appropriations Committee engrossed bill, insert:

24 " Section 2. That § 1-25-2 be amended to read as follows:

25 1-25-2. Executive or closed meetings may be held for the sole purposes of:

- 26 (1) Discussing the qualifications, competence, performance, character or fitness of any  
27 public officer or employee or prospective public officer or employee. The term  
28 "employee" does not include any independent contractor;
- 29 (2) Discussing the expulsion, suspension, discipline, assignment of or the educational  
30 program of a student or the eligibility of a student to participate in interscholastic  
31 activities provided by the South Dakota High School Activities Association;
- 32 (3) Consulting with legal counsel or reviewing communications from legal counsel about  
33 proposed or pending litigation or contractual matters;

1 (4) Preparing for contract negotiations or negotiating with employees or employee  
2 representatives;

(5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business.

6 However, any official action concerning such matters shall be made at an open official meeting.  
7 An executive or closed meeting shall be held only upon a majority vote of the members of such  
8 body present and voting, and discussion during the closed meeting is restricted to the purpose  
9 specified in the closure motion. Nothing in § 1-25-1 or this section may be construed to prevent  
10 an executive or closed meeting if the federal or state Constitution or the federal or state statutes  
11 require or permit it. A violation of this section is a Class 2 misdemeanor."

12 And that as so amended said bill do pass.

13 Also MR. SPEAKER:

14 The Committee on Judiciary respectfully reports that it has had under consideration SB 113  
15 and returns the same with the recommendation that said bill be amended as follows:

16 1130a

On page 1, line 13, of the Senate Education Committee engrossed bill, overstrike "chemical  
dependency" and insert "or licensed addiction".

19 And that as so amended said bill do pass.

20 Respectfully submitted,  
21 Brian G. Gosch, Chair

22 **REPORTS OF CONFERENCE COMMITTEES**

23 Cc1069fb

24 MR. SPEAKER:

25 The Conference Committee respectfully reports that it has considered HB 1069 and the  
26 amendments thereto made by the Senate, and the disagreement of the two houses thereon, and  
27 recommends that HB 1069 be amended as follows:

1 1069fb

2 On page 1, line 8, of the Senate engrossed bill, delete "three" and insert "four".

3 Respectfully submitted,  
4 Timothy Johns  
5 House Committee Chair

Respectfully submitted,  
Mike Vehle  
Senate Committee Chair

6 **MESSAGES FROM THE SENATE**

7 MR. SPEAKER:

8 I have the honor to inform your honorable body that the Senate has concurred in House  
9 amendments to SB 7, 183, 3, and 163.

10 Respectfully,  
11 Jeannette Schipper, Secretary

12 There being no objection, the House reverted to Order of Business No. 5.

13 **REPORTS OF STANDING COMMITTEES**

14 MR. SPEAKER:

15 The Committee on Legislative Procedure respectfully reports that HB 1013, 1022, 1034,  
16 1106, 1132, 1133, 1134, 1150, 1159, 1168, 1180, 1201, and 1212 were delivered to his  
17 Excellency, the Governor, for his approval at 9:40 a.m., March 10, 2014.

18 Also MR. SPEAKER:

19 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing  
20 and Enrolling has carefully compared HB 1120 and 1192 and finds the same correctly enrolled.

21 Respectfully submitted,  
22 Brian G. Gosch, Chair

1

**SIGNING OF BILLS**

2

The Speaker publicly read the title to

3

4

HB 1120: FOR AN ACT ENTITLED, An Act to provide for alternative documentation of financial responsibility for vehicles.

5

6

HB 1192: FOR AN ACT ENTITLED, An Act to designate the Black Hills Mining Museum in Lead as the official mining museum of South Dakota.

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SB 21: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the collection and setting of 24/7 sobriety program fees and regarding the monitoring of ignition interlock testing.

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11

SB 22: FOR AN ACT ENTITLED, An Act to authorize the issuance of citations for certain livestock inspection violations.

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SB 24: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to pseudoephedrine, ephedrine, or phenylpropanolamine sales.

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SB 63: FOR AN ACT ENTITLED, An Act to protect the privacy of the records of individual students.

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SB 87: FOR AN ACT ENTITLED, An Act to make appropriations from the water and environment fund, the water pollution control revolving fund subfund, and the drinking water revolving fund subfund for various water and environmental purposes, and to declare an emergency.

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21

SB 104: FOR AN ACT ENTITLED, An Act to authorize the use of night vision equipment for hunting under certain conditions.

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23

SB 122: FOR AN ACT ENTITLED, An Act to provide for certain insurance coverage for the treatment of hearing impairments for persons under the age of nineteen.

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SB 154: FOR AN ACT ENTITLED, An Act to establish the Jolene's Law Task Force to study the impact of sexual abuse of children in this state and to make recommendations to the Legislature on policies to effectively address the issue.

27

28

SB 161: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to notice provided by mineral developers.

29

30

SB 182: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to dual education credit.

31

And signed the same in the presence of the House.

3 Arlene Kvislen, Chief Clerk